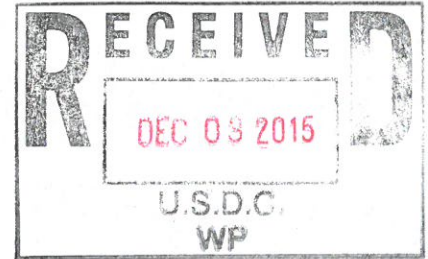


中华人民共和国司法部  
Ministry of Justice, People's Republic of China  
No. 6, Chaoyangmen Nandajie, Chaoyang District, Beijing 100020, China  
Tel: +86 10 6515 3113 Fax: +86 10 6515 3144

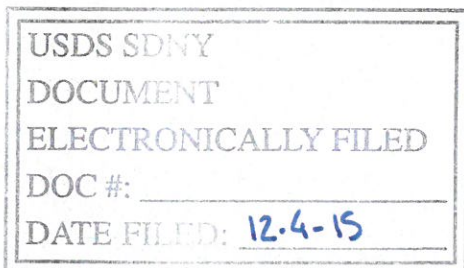
To:

Office of International Judicial Assistance  
Department of Justice of the United States  
1100 L Street, N.W. Washington D.C. 20530



CC to:

United States District Court of the  
Southern District of New York



Beijing, 30 November 2015

Our Ref. No.: 2015-SXH-51

Your Case No.: No 10 Civ. 4974 (RJS)

The International Legal Cooperation Center of the Ministry of Justice of the People's Republic of China presents its compliments to the Office of International Judicial Assistance of the Department of Justice of the United States.

Recently, it is informed that the New York Branch of the Bank of China has been ordered by the United States District Court of the Southern District of New York to submit evidence possessed by other Chinese domestic branches of the Bank to the Court. As the Chinese Central Authority designated for the *Hague Evidence Convention*, the Ministry of Justice firmly opposes the above-mentioned approach adopted by the US court and reaffirms as follows:

- i. The Bank of China and its domestic branches must abide by *the Law of Commercial Banks of the People's Republic of China* and other relative domestic laws. Any bank records or other evidence possessed by these banks to be used by any individual or entity for the purpose of any law suit can only be collected by the Chinese competent authority through legal procedures.
- ii. The Bank of China and its Chinese domestic branches are not under the jurisdiction of US law and US court. According to the basic principles recognized by international laws, the US court has no right to directly collect the evidence possessed by the Bank of China and its branches which locate in the territory of China through its New York Branch. And, the New York Branch of the Bank of China has no right to submit evidence materials possessed by other domestic

中 华 人 民 共 和 国 司 法 部

Ministry of Justice, People's Republic of China

No. 6, Chaoyangmen Nandajie, Chaoyang District, Beijing 100020, China

Tel: +86 10 6515 3113 Fax: +86 10 6515 3144

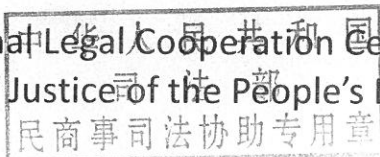
---

branches to US court, which will obviously go beyond the Chinese jurisdiction.

- iii. If the US court deems it necessary to obtain evidence located in China, there are *Hague Evidence Convention* applicable for civil cases, and *Treaty on Judicial Assistance between the US and China* applicable for criminal cases. In any case, the US court or other competent authority shall forward request for judicial assistance to the Chinese authority, and the Chinese authority will execute the request according to the Chinese laws.
- iv. The *Hague Evidence Convention* and the *Treaty on Judicial Assistance between the US and China* are valid and useful legal framework based on which the two sides have developed fruitful judicial cooperation for years. As long as the requests made by US side comply with the Convention or the Treaty, and are not against basic rules of the Chinese domestic laws, the Chinese side will take it seriously and offer necessary judicial assistance.

The International Legal Cooperation Center of the Ministry of Justice of the People's Republic of China avails itself of the opportunity to renew to the Office of International Judicial Assistance of the Department of Justice of the United States the assurances of its highest consideration.

International Legal Cooperation Center  
Ministry of Justice of the People's Republic of China



Contact: Li Zhiying (Ms.)

Tel: 86 10 6515 3113

Fax: 86 10 6515 3144

Email: ivylee319@vip.sina.com